

6-15-04

JFW



PATENTS  
17303-0008D1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re The Application of: )  
Paul R. Kateman et al. )  
Serial No.: 10/726,815 )  
Filed: December 3, 2003 )  
For: METHOD FOR PRODUCING )  
AND DISPENSING AN AER- )  
ATED AND/OR BLENDED )  
FOOD PRODUCT )

Examiner: Tapolcai, William E.  
  
Art Unit: 3744

Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
June 14, 2004

“Express Mail” Mailing-Label Number: EV 335589798 US

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT**

This is responsive to the Office action dated May 19, 2004.

In the claims, amend claims 6, 9, 11, 12, 14, 15, 21, 29 and 32, and add new  
claims 39 to 44 as shown on the attached Current Claims Schedule.

06/17/2004 HBERHE 00000070 10726815  
01 FC:1202 108.00 OP  
02 FC:1201 602.00 OP



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Serial No.: 10/726,815	)	Examiner: Tapolcai, William E.
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Filed: December 3, 2003	)	
	)	
For: METHOD FOR PRODUCING AND	)	Art Unit: 3744
DISPENSING AN AERATED	)	
AND/OR BLENDED FOOD	)	
PRODUCT	)	
		Cesari and McKenna, LLP
		88 Black Falcon Avenue
		Boston, MA 02210
		June 14, 2004

**EXPRESS-MAIL DEPOSIT**

"Express Mail" Mailing-Label Number: EV 335589798 US

The following paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 C.F.R. §1.10:

<u>X</u> Fee Transmittal Letter	<u>X</u> Check in the amount of \$710
<u>X</u> Amendment Transmittal Letter	<u>X</u> Response to Office Action
	(Amendment)



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant Claims Small Entity Status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**710**

### Complete if Known

Application Number	10/726,815
Filing Date	December 3, 2003
First Named Inventor	Paul R. Kateman et al.
Examiner Name	Tapolcai, William E.
Group Art Unit	3744
Attorney Docket No.	17303-0008D1

### METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money ☐ Other ☐ None  
☒ Deposit Account

Deposit  
Account  
Number

03-1237

Deposit  
Account  
Name

Cesari and McKenna, LLP

The Commissioner is authorized to: (check all that apply)  
Charge any deficiency or

☐ Charge fee indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	0

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

				Extra Claims	Fee from below	Fee Paid		
Total Claims	44	-	38**	=	6	18	=	108
Independent Claims	21	-	14**	=	7	86	=	602
Multiple Dependent							=	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)**710**

\*or number previously paid, if greater; For Reissues, see below

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English Specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility Issue fee (or reissue)	
1502	470	2502	235	Design Issue fee	
1503	630	2503	315	Plant Issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**0**

### SUBMITTED BY

Name (Print/Type) **John F. McKenna**

Registration No. **20,912**  
(Attorney/Agent)

### Complete (if applicable)

Telephone **(617) 951-2500**

Signature

Date **June 14, 2004**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OF COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL LETTER**

Sir:

Transmitted herewith for filing in the Patent Application of  
Inventor(s): Paul R. Kateman et al.

For: METHOD FOR PRODUCING AND DISPENSING AN  
AERATED AND/OR BLENDED FOOD PRODUCT

Serial No.: 10/726,815

Filed: December 3, 2003

are the following papers:

- ☒ A response to the Office action dated May 19, 2004
- ☐ A petition for extension of time and check for \$
- ☒ A check for \$710 to cover the fee for additional claims resulting from the response. The fee is calculated as follows:

Total Claims Remaining after

Amendment:.....44

Less Highest Number of Total Claims

Previously Paid for:.....38

Difference.....6 x \$ 18 = \$ 108

Independent Claims Remaining

after Amendment.....21

Less Highest Number of Independent

Claims Previously Paid for.....14

Difference.....7 x \$ 86 = \$ 602

Multiple-Dependent-Claim Fee Required

after Amendment and Not Previously Paid..... \$ 0

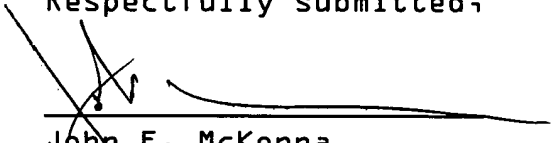
Total of Above Calculations..... \$ 710

Less Reduction for Small Entity ..... \$ 0

Total Due ..... \$ 710

The Commissioner is hereby authorized to charge any other fees under 37 C.F.R. §§1.16 and 1.17 that may be required, or credit any overpayment, to our Deposit Account No. 03-1237.

Respectfully submitted,

  
John F. McKenna  
Reg. No. 20,912  
CESARI AND McKENNA, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
(617) 951-2500